

REMARKS

Claims 1-10 are pending in this application. By this Amendment, claims 1-7 have been amended and claims 11 and 12 have been canceled without prejudice to, or disclaimer of, the subject matter found therein or the right to file a divisional application directed thereto. The amendments to claims 1, 2 and 5-7 are to provide antecedent basis and have no bearing on the patentable subject matter of claims 1, 2 and 5-7, as the amendments have no effect on how claims 1, 2 and 5-7 are interpreted. The amendments to claims 1-7 are non-narrowing. Also, the specification has been amended to correct minor informalities found therein and to add reference to an application the Patent Office has indicated its belief is related. No new matter has been added.

On page 2 of the Office Action, claims 1 and 2 were rejected under 35 U.S.C. §102(b) over Asami et al. ("Asami"), U.S. Patent No. 4,851,376. The rejection is respectfully traversed.

Applicants' invention of claim 1 calls for a process for producing a formed honeycomb body, which comprises mixing, by a mixer, a raw material for forming a honeycomb body structure containing at least a ceramic raw material powder, a binder and water, to obtain a compounded mixture for forming a green body, and kneading and extruding the compounded mixture for forming the green body into a honeycomb shape by a continuous extruder, to obtain the formed honeycomb body, wherein there is added in a predetermined amount, to the raw material for forming the honeycomb body structure, a powdery material obtained by crushing, into a maximum particle diameter of 50 mm or smaller, a crushed green body having substantially same composition as the compounded mixture for forming the green body, and a resulting mixture is mixed thoroughly by the mixer to obtain the compounded mixture for forming the green body. Asami fails to disclose these features.

In Asami, the process for producing a cordierite ceramic body includes the means of reclaiming as a starting material or a portion of the starting material a dried, unfired reject of a

cordierite composition, which is recovered during production of a cordierite ceramic article similar to the cordierite ceramic body (col. 2, lines 50-56). As Asami describes, the reclaimed cordierite composition is a dried, unfired scrap, which may be a portion of a cordierite composition batch (col. 4, lines 35-37). Thus, the dried, unfired scrap used as the reclaimed cordierite composition is a mixture having a chemical composition similar to a conventionally used cordierite composition, which contains talc, kaolin, calcined kaolin, alumina and other materials (col. 4, lines 49-54). Accordingly, the dried, unfired reclaimed material of Asami is not a crushed green body, as defined in Applicants' specification, having the substantially same composition as the compounded mixture for forming the green body as recited in claim 1.

In Background of the Application, Applicants describe the process of Asami (page 2; paragraph [0005]). As described in paragraph [0006], unlike the case where the above-mentioned dried formed material was used, there have been problems when a green body such as undried formed material was reused for a raw material for forming a honeycomb body structure. For example, as described in paragraph [0006], a green body contains water of about 20% by mass and has a high viscosity; therefore, when the green body is added into an ordinary raw material for forming a honeycomb body structure used in the form of dried powder, the green body has lumps of about fist size and only a compounded mixture for forming a green body is obtained wherein the raw material for forming a honeycomb body structure and the green body are mixed in a non-uniform state (pages 2-3; paragraph [0006]). As further described, when such a compounded mixture for forming a green body is used for the forming step per se, the continuous extruder used undergoes an excessive load and its operation is unstable; as a result, there have been problems in that the formed body produced has defects such as voids, bending, cell deformation and the like (page 3; paragraph [0007]). Applicants' invention addresses these problems, Asami does not.

Accordingly, Asami does not literally disclose each and every feature of Applicants' claimed invention as recited in claim 1 and the rejection under 35 U.S.C. §102 is inappropriate. Further, for the reasons discussed, Asami does not suggest the features as recited in claim 1.

Because Asami does not anticipate or suggest the features of claim 1, Asami cannot possibly anticipate or suggest the subject matter of claim 2, which depends from claim 1, for the reasons discussed with respect to claim 1 and for the additional features recited therein. It is respectfully requested that the rejection be withdrawn.

On page 3 of the Office Action, claims 3-10 were rejected under 35 U.S.C. §103(a) over Asami. The rejection is respectfully traversed.

Asami fails to overcome its own deficiencies as applied to claim 1.

Because Asami does not disclose or suggest all of the features recited in claim 1, Asami cannot possibly render obvious the subject matter of claim 1. Further, at least for the reasons discussed with respect to claim 1, as well as for the additional features recited, claims 3-10, which depend from claim 1, are also not rendered obvious by Asami. Thus, withdrawal of the rejection is respectfully requested.

On page 5 of the Office Action, claims 1-10 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over copending application number 10/932,030 (copending application '030). The rejection is respectfully traversed.

As admitted by the Office Action, the claims of this application are not identical to the claims of copending application '030. The claims of this application are not an obvious variants of the claims of copending application '030, but are patentably distinct.

The Office Action has improperly made an obviousness-type double patenting rejection at this time. This application is the first application filed, that is, before copending application '030. Copending application '030 does not qualify as prior art and its claims have not been

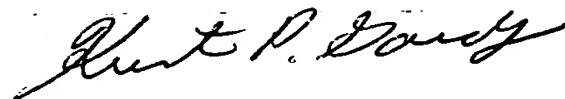
allowed, or even examined. For, at least, these reasons an obviousness-type double patenting rejection is improper at this time.

Moreover, this application and copending application '030 are common owned by NGK Insulators, Ltd and recorded by the Patent Office Assignment Recordation Branch (e.g., serial number: 10932030, reel/frame: 015771/0243; and serial number 10717502, reel/frame: 014728/0557). Further, the inventors of both this application and copending application '030 were subject to or under an obligation to assign their invention to NGK Insulators, Ltd.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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